

REMARKS

Claims 1-24 are pending. It is understood that claims 15-19 have been withdrawn from consideration at this time. New claims 22-24 are supported by the specification in the paragraph bridging pages 2 and 3, as well as in the first full paragraph on page 3. No new matter has been entered.

I. 35 USC § 112

Claims 1-7, 11, 12 20 and 21 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. The Office Action asserts the claims are unclear because only one “groove” is described. In response, the claims have been amended to specify that the tongues are intended to be received by notches (e.g., 2' in Figs. 1a and 1b).

II. 35 USC § 102

Claims 1-6, 11, 13, 14 and 20 stand rejected under 35 USC § 102(b) as allegedly being anticipated by Buzzella (U.S. Patent No. 5,062,250). The Office Action asserts this reference teaches each feature recited by the rejected claims. In light of the amendments made above, reconsideration is requested.

For example, the present claims recite the presence of a groove in the floor boards formed below the decorative upper surface of the boards. In contrast, the channels 18 and 20 of panels 4 and 5 are not positioned below any decorative upper surface. At best, skins 10 and 12 of Buzzella are the closest structures to the decorative upper surface of the present claims. Thus, faces 44 and 46 of Buzzella would have to be the closest structure to the edges of the present claims, and channels 18 and 20 are, in fact, perpendicular to, i.e., not parallel to, the respective skin 10 and 12. Thus, Buzzella cannot expressly anticipate the rejected claims.

III. 35 USC § 103

A. SE '375 in view of Winegard et al.

Claims 1 and 12 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over SE 802375 in view of Winegard et al. (U.S. Patent No. 4,766,443). The Office Action asserts SE '375 teaches each feature of the rejected claims, except for “the profile having a central cheek section comprising a first and a second independently resilient cheek which cheeks being provided with the tongues”, for which purpose Winegard et al. is apparently cited.

The Office Action points to hooks 204 and 205 on prongs 202 and 203, and states that it would have been obvious to incorporate such structures into the fastening profile 3 of SE '375. While Applicants objectively agree that upper rib member 200 of Winegard et al. includes structures resembling the lips and first and second cheeks recited by the present claims, Applicants respectfully present that the “easy snap fit” referred to by the Office Action is prohibited by the present claims. Specifically, as shown by Figs. 2-5 and 15, the upper rib member 200 is snapped in from above. Additionally, while Winegard et al. teaches to use an upper rib member 200, the construction requires a lower locking rib member 210. Thus, at best, if one of ordinary skill in the art would be motivated to utilize the upper rib member 200, he would also utilize the lower rib member 210, as the structure of the edge surfaces 2 of the panels 1 of SE '375 could not accommodate the upper rib member 200 without the lower rib member 210, into which it locks.

In any event, Applicants respectfully present the combination as cited by the Office Action does not teach each feature recited by claims 1 and 12. For example, claim 1 describes the joining profile and lips as not extending below the lower side of the board. In contrast, even if the fastening profile 3 of SE '375 were modified in accordance with the disclosure of Winegard et al., the modified fastening profile would protrude lower the bottom of the panels 1 because, as shown in Figs. 1, 3 and 4, the boards have not been shaped to allow for such a construction.

Reconsideration is therefore respectfully requested.

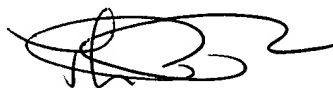
B. Buzzella

Claims 7 and 21 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Buzzella. However, as discussed above, Buzzella fails to either teach or suggest, inter alia, the presence of a groove in the floor boards formed below the decorative upper surface of the boards. Thus, even if the presence of glue were an obvious modification of the structure taught by Buzzella, other features recited by the rejected claims are neither taught nor suggested.

IV. Conclusion

For at least the foregoing reasons, withdrawal of all objections and rejections and passage of the application to issue are respectfully requested.

Respectfully submitted,



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